

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, July, 11, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

The meeting was called to order at 3:30 p.m. by Council President Lantry.

Present -7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent -0

CONSENT AGENDA (Items 1 - 18)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Harris moved approval of the Consent Agenda.

Adopted Yeas - 7 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of CMR/Qwest), Steven J Luzum, Matthew A. Olson, and Jodi Reimers. Referred to Risk Management
- 2. Letter from Mayor Christopher Coleman announcing his veto of Council File 07-569 memorializing City Council action taken June 20, 2007 granting the appeal of the Friends of the Parks and Trails, et al, from a decision of the Planning Commission which approved a conditional use permit, variances and a revised site plan to the Metropolitan Airports Commission (MAC) Holman Field Storm Drain Project.
- 3. Letter from Public Works Technical Services, Real Estate, announcing a public hearing before the City Council on August 1, 2007 to consider the petition of Net Lease Development LLC (for Walgreen's) to vacate part of an alley and dedicate another alley in the Maryland/Arcade block in order to consolidate property for redevelopment.

- 4. Letter from the Office of the City Attorney announcing a public hearing before the City Council on July 18, 2007 at 5:30 p.m. to consider the report of the Administrative Law Judge concerning the Auto Repair Garage License and Second Hand Dealer-Motor Vehicle License held by Heartland Auto Sales, 1236 Arcade Street.
- 5. Letter from the Office of the City Attorney announcing a public hearing before the City Council on July 18, 2007 at 5:30 p.m., to consider the report of the Administrative Law Judge concerning all licenses held by Hmong American Partnership, 1075 Arcade Street.
- 6. Letters from the Department of Safety and Inspections declaring 1039 Fifth Street East, 20 Acker Street West, 1073 Earl Street, and 392 Edmund Avenue as nuisance properties, and setting dates of Legislative Hearings for July 17, 2007 and City Council Public Hearings for August 1, 2007.
- 7. Administrative Order:

D002668 Authorizing the Libraries to hold an in-house training session on October 8, 2007 combined with the annual staff recognition event funded by the Perrie Jones Library Fund.

On file with the City Clerk

FOR ACTION

8. Resolution – 07-572 – Approving the Memorandum of Agreement between the City and the Professionals Employees Association, Inc. for employees in Information Services Division of the Office of Technology regarding on-call procedures/compensation. (Laid over from July 5 for adoption)

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-573 – Approving the Memorandum of Agreement between the City and AFSCME Local #1842 for a pilot project within Saint Paul Regional Water Services for the job classifications of Water Utility Technician I, II, and III. (Laid over from July 5 for adoption)

Adopted Yeas - 7 Nays - 0

10. Resolution – 07-574 – Approving the Memorandum of Agreement between the City and the International Brotherhood of Electrical Workers Local #110 for the 2007 Wage and Fringe Adjustment. (Laid over from July 5 for adoption)

- 11. Resolution 07-611 Approving ISD #625 Employment Agreements (Professional Employees Association, Inc.; AFSCME District Council #5, Local No. 855; International Union of Operating Engineers, Local 70; and MN School Employees Association representing Classified Confidential Employees Association). (To be laid over one week for adoption)

 Laid over to July 18 for adoption Yeas 7 Nays 0
- 12. Resolution 07-612 Approving receipt of Saint Paul Foundation grant monies in the amount of \$2,000.00 for the Police Community Conversations Pilot Project.

 Adopted Yeas 7 Nays 0
- 13. Resolution 07-613 Approving the application, with conditions per the Legislative Hearing Officer, of William Holmgren, d/b/a Holmgren Auto Works, 1328 Point Douglas Road South, for an Auto Repair Garage license.

 Adopted Yeas 7 Nays 0
- 14. Resolution -07-614 Authorizing the Police Department to enter into a Juvenile Accountability Block Grant (JABG) agreement with the State of Minnesota. Adopted Yeas -7 Nays -0
- 15. Resolution 07-615 Authorizing the Police Department to enter into a Joint Powers Agreement with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to assist the Police Department and other participants in investigating State cigarette, firearms, and other violations.

 Adopted Yeas 7 Nays 0
- Resolution 07-616 Authorizing the Police Department to enter in an agreement with the Minnesota Department of Public Safety for a Highway Enforcement of Aggressive Traffic (HEAT) speed control enforcement grant for the period July 1, 2007 through May 31, 2008.
 Adopted Yeas 7 Nays 0
- 17. Preliminary Order 07-617 In the matter of reconstructing sidewalk on the north side of Fifth Street East from Wacouta Street to Wall Street and the west side of Wall Street from Fifth Street East to Sixth Street East [S0711], and on the south side of Fourth Street East from Jackson Street to Sibley Street and the west side of Sibley Street from Kellogg Boulevard East to Fourth Street East [S0712], and setting date of public hearing for August 15, 2007.

18. Resolution Approving Assessment – 07-618 – In the matter of the assessment of benefits, cost, and expenses for Tenant Remedy Action Rehabilitation for property at 1455 Maryland Avenue East in May, 2007, and setting date of public hearing for August 15, 2007. [TR0704]

Adopted Yeas - 7 Nays - 0

Suspension Items

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-619 – Memorializing City Council action taken July 5, 2007 denying the appeal of Edina Properties, Inc., Jenifer Kent, to a decision of the Board of Zoning Appeals, which determined that Noodles & Company restaurant was a fast-food restaurant. (ZF 07-093604) (Application for 777 Grand Avenue)

Councilmember Thune moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Harris moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-629 – Memorializing City Council action taken July 5, 2007 denying the application of Teresa Deming to rezone property at 1539-1541 Lincoln Avenue, between Saratoga Street and Snelling Avenue, from R4 (one-family residential) to RT2 (townhouse residential). (ZF 07-074-940)

Councilmember Harris moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Benanav moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-621 – Waiving the 45-day notice requirement and granting a Liquor-Outdoor Service Area (Patio) license to Scanlon's Pub, Inc., d/b/a Dubliner Pub, 2162 University Avenue.

Councilmember Benanav moved approval.

Councilmember Bostrom moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-622- Amending the 2007 budget in the Department of Safety and Inspections, Code Enforcement Division, for increased building demolitions and associated costs.

Councilmember Harris questioned if this money is actually going for demolitions and, if so, he questioned if demos aren't assessed onto the property value. Because of the numerous foreclosures, he said he would be interested to see what kind of revenue flow is being seeing on assessments that have been "made good" due to re-sale.

Councilmember Lantry said the City has to front the money and there will be a lag time by time the collections are done. Councilmember Bostrom added that if they look back over the past few years, they probably would not see a lot coming in because not many houses were taken down due to the strong market at that time.

Council President Lantry requested that Trudy Moloney, Director of City Council Operations, communicate with Bob Kessler, Department of Safety and Inspections Director, and request a report on this issue.

Councilmember Bostrom moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Montgomery moved suspension of the rules to discuss the following ordinance: Yeas - 7 Nays - 0

Ordinance – 07-548 – Establishing interim zoning requirements for the Central Corridor area to implement the Development Strategy.

Councilmember Montgomery presented an amendment to the ordinance which included the overlay district and policy direction to the zoning study.

Amended and laid over to July 18 agenda for third reading/public hearing

Councilmember Benanav moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-623 – Opposing grade separation at Snelling Avenue and University Avenue intersection and addressing future planning for the intersection.

Councilmember Benanav explained that this resolution is to make sure that the tunnel does not get funded and asks that alternatives continue to be looked at for the Snelling/University area, and that a community process is engaged in before the Ramsey County Board or other local officials decide to fund and build the tunnel.

Councilmember Benanav moved approval. Adopted Yeas – 7 Nays – 0

FOR DISCUSSION

- 19. Presentation and Comments on Zoning Overlay for University Avenue Central Corridor:
 - 1. Staff Presentation on Proposed Interim Zoning Regulations by Donna Drummond, Planning and Economic Development.

Donna Drummond gave a power point presentation on the proposed interim ordinance. (Presentation is attached to the minutes.)

Councilmember Benanav stated that when Ms. Drummond issued her memorandum on May 25, 2007, she indicated that this was not retroactive and now it's been determined by the City Attorney that the interim overlay bridge resolution includes projects that had applied prior to its passage.

Peter Warner, Assistant City Attorney, said interim ordinances have always been used for moratorium purposes and never as an interim ordinance that lays on additional layers of regulations that a property owner wouldn't otherwise find in the Zoning Code. He looked at how Minnesota in the past has applied case law to similar situations and came to the determination that it would be more legally appropriate to have the interim ordinance apply to applications that were pending. He said he feels that makes good legal sense for the City. That interpretation allows the Council to continue to operate in a manner they have always operated in the past with other interim ordinances which means when an applicant comes in that provides an application for a use that will fit what the end vision will be, the Council has had the opportunity to provide for exemptions to the interim ordinance. That analysis will hold true now. He said he feels that ultimately it is in the City's best interest to approach the matter in that way.

Councilmember Benanav responded that the Council acted based on one set of understandings and then it changed. He asked if they have the right to go back and say it's not retroactive. Mr. Warner responded they could but one of the recommendations of

the Task Force was that they specified a particular use and he feels that matter will be taken care of. The Task Force also recommended to exempt any use that was in the pipeline. There are uses in the pipeline now that he feels would conflict with some of the other line intent that's in the interim ordinance. The Council could make it retroactive but he cautioned about all the things that might be on someone's desk in some department that they don't know about.

Councilmember Helgen asked if they don't typically have an exception to a moratorium where if there is a moratorium in place they can go back to it and make a specific exception. Mr. Warner responded that can always be done as long as the Council is comfortable with the proposal and they feel it will fit the vision that the actual zoning study will arrive at.

Councilmember Helgen questioned about areas where staff is looking at park and ride facilities or additional parking lots at station sites to accommodate commuter traffic. Donna Drummond responded that this will be in place for a year and they will study it as part of the permanent zoning changes. If it makes sense to allow free-standing parking ramps, for example, that might provide park and ride facilities. They don't want to be providing parking that strictly serves park and rides because they feel the land can be put to a more valuable use. However, they do recognize that there is going to be a demand for parking. They want to encourage people to either ride buses or walk to the line.

Councilmember Helgen said he feels it's an important issue that should be looked at upfront and discussion ensued on the parking issue.

Councilmember Benanav asked what the allowable building height is. Ms. Drummond responded that the area between Lexington and Marion or Rice is mostly zoned B3 so there is a 30 ft. height limit there. Except for Dale and University, which was zoned to TN2 a few years ago, higher building heights are currently allowed there under the zoning. As they look at the zoning over the next year, she said they will be looking at what was recommended in the development strategy and whether they need to tweak the zoning along the corridor, add a new zoning category, rezone any properties along the corridor, etc. In general, the development strategy says that in the skinny strip where there is residential directly behind, they should be looking at buildings that are 2, 3, 4-stories maximum. They want a good transition back to the residential areas, she said.

2. Various Community Perspectives on Proposed Regulations.

The following individuals appeared and presented their perspectives. (Written testimonials that were provided are attached to the minutes)

Anne White, District Council Collaborative Board & Central Corridor Task Force; Brian McMahon, University United;

J. Kou Vang, JB Realty, University Avenue business resident for 25 years;

Art Weddington, Selby Area CDC;

Vic Rosenthal, Jewish Community Action & University Avenue Community Coalition; Jim Erkel, Central Corridor Task Force Member;

Lori Fritts, President, Midway Chamber of Commerce;

Paula Maccabee, (Consultant to) Rein Midway Limited Partnership, Ward 4 resident; and Susan Kimberly (Consultant to) Saint Paul Area Chamber of Commerce, Ward 1 resident.

3. Additional Community Comment on Proposed Regulations.

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

20. Final Adoption – 07-526 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to provide for variances of corner clearance requirements.

Councilmember Thune moved approval.

Adopted Yeas - 7 Nays - 0

21. Final Adoption – 07-547 – An ordinance memorializing action granting the application of Firstborne Properties to rezone property from R4 (One-Family Residential) to B2 (Community Business) at 1337 Pascal Street North (southwest corner at Bison Avenue). [ZF 07-027-041]

Councilmember Benanav moved approval.

Councilmember Montgomery moved to adjourn the	e meeting. Yeas – 7 Nays – 0
ATTEST:	ADJOURNED at 5:15 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Mary Erickson	September 19, 2007 Minutes approved by Council